

## REMARKS

### Final Rejection

The Examiner based the Final rejection status on an amendment by the Applicant. Specifically, the action was made final under MPEP §706.07(a) because "Applicant's amendment necessitated the new ground(s) of rejection." Applicant did not amend claim 29 in response to the first action.

If the Examiner maintains that a New grounds of rejection was presented in the Final Action, Applicant believes that the Final Action is premature and should be withdrawn under MPEP 706.07(d).

### Rejection Under 35 U.S.C. § 103

Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dennison (U. S. Patent 5,362,666).

The Examiner has not respond to Applicant's remarks provided in the first response. As such, Applicant again traverses this rejection. The single reference fails to teach or suggest the claim language presented. Specifically, the Examiner has failed to show the step of "providing an insulating layer around an exterior surface of said cup-shaped bottom electrode." The Examiner maintains that layer 58 of the reference meets this limitation. Applicant notes, however, that the term "around" is more definite that the Examiner is giving credit. Specifically, the step of "etching a second portion of said insulating layer from a part of said exterior surface" indicates that the insulating layer is in contact with the exterior surface of the bottom electrode. The claim then requires "depositing a dielectric layer on said part of said exterior surface."

It is clear that the Examiner has focused on the masking and etching processes of the claim. The cited single reference, however, does not teach or suggest the elements as explained. The bottom electrode 42 of the reference is not in contact with insulator 58.

To speed examination, Applicant has amended claim 29 to clarify the original language. Applicant has also included an additional claim and believes that both are in condition for allowance.

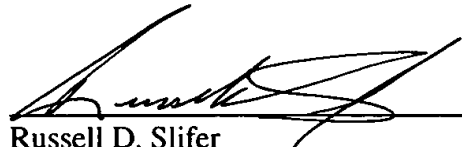
It is respectfully requested that the rejection be reconsidered and withdrawn.

**Conclusion**

Applicant believes that the claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned attorney at direct dial (612) 312-2202.

Respectfully submitted,

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**MARKED - UP AMENDMENT TO CLAIM**

29. (Amended) A method for forming a container capacitor, comprising the steps of:
- providing a cup-shaped bottom electrode;
  - providing an insulating layer around and in contact with an exterior surface of said cup-shaped bottom electrode;
  - masking a first portion of said insulating layer;
  - etching a second portion of said insulating layer from a part of said exterior surface to expose the part of said exterior surface;
  - depositing a dielectric layer on said part of said exterior surface; and
  - depositing a conductive layer on said dielectric layer.